

In the United States Patent and Trademark Office

Date: 7/26/07

In re LONG, ET AL.

Filed: 1/14/04

Application of:

For: Real-Time Usage Monitor and
Method For Detecting
Entrapped Air

Serial Number: 10/707,812

**Confirmation
No.** 1811

Art Unit: 2856

Examiner: FITZGERALD,
JOHN P.

RESPONSE TO RESTRICTION REQUIREMENT

Hon. Commissioner of Patents and Trademarks
P. O. Box 1450
Alexandria, VA 23313-1450

Dear Sir:

The Examiner has required restriction under 35 USC §121 to one of the following inventions:

- I. Claims 1-10, drawn to a system, classified in class 73, subclass 239.
- II. Claims 11-20, drawn to a system, classified in class 73, subclass 239.

The Examiner has required restriction because the inventions I and II are related as combination and subcombination. And further, according to the Examiner, there would be a serious burden on the Examiner because the inventions would require a different field of search.

The restriction requirement is respectfully traversed. Applicants provisionally elect invention II, claims 11 to 20, for prosecution in the instant application.

First, Applicants respectfully disagree with the Examiner that inventions I and II are related as combination and subcombination. Both inventions are directed to a system comprising a position transducer and analysis means. The invention in group II does recite more details of the analysis means but this does not turn the inventions I and II into combination and subcombination.

Second, regarding the burden on the examiner, inventions I and II are classified exactly the same and any search of inventions I and II would be exactly the same. This is particularly true here where elected claim 11, having slightly more details, would require a search that is at least coextensive with any search that is done for non-elected claim 1. While the Examiner does state that the inventions would require a different field of search, the Examiner does not provide any basis for making such a statement.

Further action with respect to the present application is earnestly solicited.

No fee is believed to be due for this submission. If any fees are required, however, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 09-0458.

Respectfully Submitted,
Long, et al.



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